



San Luis Obispo County Sheriff's Office

1585 Kansas Avenue • San Luis Obispo • California • 93405

www.slosheriff.org

Ian S. Parkinson
Sheriff - Coroner

October 17, 2014

Deputy Anthony Maez

Copy of the scanned
NOI for your review.

jr

NOTICE OF INTENT TO ISSUE ORDER OF TERMINATION

Deputy Maez:

Pursuant to the provisions of the San Luis Obispo County Code 2.40.120 and the Rules of the Civil Service Commission relating thereto, you are hereby notified that Sheriff Parkinson intends to terminate you effective October 27, 2014.

He intends to take this action because it appears you have violated the following rules and policies:

County of San Luis Obispo Civil Service Rules:

- 14.02 (b) Incompetence
- 14.02 (d) Inexcusable neglect of duty
- 14.02 (f) Dishonesty
- 14.02 (l) Violations of County or department rules or policies
- 14.02(n) Negligence

San Luis Obispo County Sheriff's Office Policy Manual

- 340.3.5 (c) Conduct/Performance
- 340.3.5 (m) Conduct/Performance
- 340.3.5 (p) Conduct/Performance
- 344 Report Preparation
- 450.9 Use of Audio/Video Recorders/Review of Recorded Media Files

BASIS FOR ACTION:

On August 6, 2014, you responded to a "fight in progress" on the 300 block of McCarthy Avenue in Oceano. Dispatch further advised that the dispute may involve a burglary that occurred there on a previous date. You were familiar with several burglaries that occurred earlier on McCarthy Avenue. You were particularly familiar with a rental house located at McCarthy Avenue. The house is rented by and
The often allow known criminals, such as and
, to reside at their home or in a trailer on their property. You have arrested

at that residence in the past and the criminal activity on that block seems to center around that address.

While en route to the call, your in-car video system was activated when you turned on your red lights to pass a vehicle on the opposite part of the roadway. You were also the first deputy to arrive at the scene.

Upon arriving on McCarthy Avenue, you observed numerous pedestrians in the street. You exited your vehicle and were approached by the victim and her husband. You engaged in a conversation with both individuals and then approached the house at McCarthy Avenue. Shortly thereafter, you were joined by Deputy Slaughter and State Parks K-9 Officer Chris Hendricks. You documented your observations in a supplemental report and Deputy Slaughter also completed a supplemental report. The suspect in this case had fled the scene and the follow-up investigation was referred to detectives.

Several days later, Detective Abbas began to conduct a follow-up investigation on the case. During the course of this follow-up investigation he telephonically interviewed the victim, _____, and her husband, _____. During the interviews, Detective Abbas discovered a discrepancy between the victim's statements and your supplemental report. This discrepancy involved Suspect _____ whereabouts when you arrived on scene.

The victim and witness indicated that Suspect _____ had already entered the residence from 30 seconds to 2 minutes before your arrival. In fact, after _____ entered the residence, _____ exited the residence and engaged in a conversation with the _____ then went inside of his residence and you arrived on scene.

You stated in your supplemental report that you observed _____ standing directly in front of _____ McCarthy and "*...when she saw me, she dropped what looked like a multi colored purse on the ground and ran into the residence at _____ McCarthy.*"

This statement highlights another discrepancy regarding the recovery of the purse. You indicated in your report that _____ saw you and dropped the purse on the ground. _____ stated that he recovered the purse from a white _____ hat was parked just east of _____ McCarthy Avenue. This recovery occurred when _____ had exited the car. She was never standing in the street and _____ recovery of the purse occurred before you were on scene.

Because of these discrepancies, Detective Abbas completed a supplemental report and consulted with his supervisor Sergeant Manuele. Sergeant Manuele telephonically contacted you and discussed the discrepancy hoping to obtain some clarity. The discrepancy was not resolved and Sergeant Manuele referred the case to the Professional Standards Unit.

A review of your in-car video was then conducted. The video clearly shows Victim _____ holding onto her multi-colored purse with the strap around her shoulder as you arrived at the scene. It seems inconceivable if not impossible that Suspect _____

as indicated in your supplemental report, was standing in the street across from McCarthy Avenue with the purse close enough for you to identify her, and that she looked at you, dropped the purse and ran into the residence. If your observation was correct, Victim would have had to retrieve the purse, place it on her shoulder, and walk to the sidewalk waiting your arrival. The only thing that was captured on your in-car video was that Victim was standing on the sidewalk with the purse attached to her shoulder. She did not move until you pulled up to the location.

You indicated that you made the observation of holding the multicolored purse standing in the street in front of McCarthy when you were driving on Lakeside Avenue just prior to your right turn. This is why you believe that your observation was not captured on your in-car video because the vehicle and the camera were not pointed in the direction of McCarthy Avenue until the turn was completed. Your identification of holding a multicolored purse, seeing you, and then dropping the purse in the street would have occurred at approximately 550 feet, the distance from Lakeside Avenue to McCarthy Avenue.

Your explanation is without merit. You only had seconds to view McCarthy Avenue from Lakeside Avenue before the completion of your right turn and at 550 feet away, or more than 1 3/4 football fields away, it would be virtually impossible to identify anyone with any degree of certainty much less observe them holding a multicolored purse. During the investigation, a photograph was taken from the intersection of Lakeside Avenue and McCarthy Avenue with a person standing in front of McCarthy Avenue. At that distance they could not be identified.

When you were interviewed concerning this investigation your identification was less exact than your statement in your report. Your report stated "*I immediately recognized a female standing in the street directly in front of McCarthy as* ." During your interview you said "*The female that I saw in the street when I was coming down Lakeside was a blond haired female. It could have been* ."

The witnesses' statements also dispute your observation. The indicate that exited the white passenger door parked just to the east of McCarthy and that recovered the purse from the vehicle. then entered the residence at McCarthy and exited the residence, conversed with the , and re-entered his residence prior to your arrival. These statements coupled with your in-car video recording showing standing on the sidewalk with her purse strap over her shoulder discredit your report.

Besides the above evidence refuting your reported observation, your recorded questioning of the victim and witness is inconsistent with a deputy sheriff who just saw a suspect holding stolen property, dropping it in the street after looking at you and then running inside a residence. Your conversation with the victim and witness included the following: "What's up?"... "Did you guys find it (purse)?"... "Where was it at?"... "What did she look like?"... "Is that the one () who had your purse?"

Your conduct as described above warrants discipline under the Civil Service Rules cited above, including violation of the following Sheriff's Office policies:

San Luis Obispo County Sheriff's Office Policy Manual

340.3.5 Performance

- (c) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.
- (m) Any knowing or negligent violation of the provisions of the Sheriff's Office manual, operating procedures or other written directive of an authorized supervisor. The Sheriff's Office shall make this manual available to all employees. Employees shall familiarize themselves with this manual and be responsible for compliance with each of the policies contained herein.
- (p) Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report or form or during the course of any work-related investigation.

344.1.1 Report Preparation. Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. . . . All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. . . .

450.9 Use of Audio/Video Recorders/ Review of Recorded Media Files. When preparing written reports, members should review their recordings as a resource. however, members should not use the fact that a recording was made as a reason to write a less detailed report. (See, also, 446.5: "Recordings may be reviewed . . . [f]or use when preparing reports or statements . . .")

As described above, there are many significant inconsistencies between the statements you made in your supplemental report and the statements of victim and witnesses, your own interview statement and behaviors, and your in-car video recording. Because of the discrepancies between your report and the statements of victim and witnesses, suspect _____ cannot and will not be prosecuted for any crime related to the stolen goods.

Your conduct constitutes an inexcusable neglect of duty in that you failed to ensure your report was accurate, and you had no reasonable excuse for that failure. Your

conduct constitutes negligence in that you failed to exercise a reasonable standard of care for a deputy sheriff in this situation. Your conduct violates the departmental policies cited above, which provide specific guidance about the conduct and performance expected of an officer with the Sheriff's Department. You could and should have reviewed the recording before preparing your supplemental report. You made an unequivocal positive identification in your supplemental report, which turned out to be wrong. In fact, it would have been virtually impossible to identify anyone with any degree of certainty (much less observe the color of their purse) at the distance you reported. And, you later equivocated on that identification in your interview.

This conduct, in the context of your personnel history, constitutes incompetence. You are unsuited to the position of deputy sheriff, because you lack the qualities necessary for effective action in that position. On August 20, 2012, you were suspended for 20 hours for using your position as a deputy sheriff to gain entrance for your children and their friends into a mid-state fair concert without purchasing tickets. On November 29, 2012, you received a penalty of 100 suspension hours, with 50 of those hours held in abeyance, for receiving benefits that you were not entitled to receive. You were compensated for two hours of patrol service at Lopez Lake after you were dropped off at your personal campsite to spend time with your family. These two suspensions were based on charges of conduct unbecoming and violations of departmental policies on conduct and performance. I cannot reconcile this pattern of behavior with an ability to satisfactorily perform the duties of a deputy sheriff.

The statements in your supplemental report that were inaccurate and misrepresentations can be characterized as dishonest in that you consciously recorded them with the intent that they be used to apprehend and prosecute You stated that you "immediately recognized" . . . standing in the street when you turned on to McCarthy Ave. Both victim and witness statements put . . . in the house at that time. Your in-car video shows that the victim was standing on the sidewalk with the purse. It would have been impossible to identify anyone at the distance you reported (which is approximately 550 feet). You intended to deceive any readers of your report, including those in the criminal justice system, into believing that . . . was standing in the street and that you immediately and positively and unequivocally identified her.

You also reported that "when she saw [you], she dropped what looked like a multi-colored purse on the ground and ran into the residence at . . . McCarthy." Not only was . . . not in the street, but your in-car video does not show anyone dropping anything on the street and running into the house. The video shows the victim standing on the sidewalk with a purse on her shoulder. The victim did not move until you pulled up to the location. Your statement was dishonest in that it was intended to deceive any readers of your report, including those in the criminal justice system, into believing that . . . had been in possession of a stolen good, had dropped it, and had run away when she saw you, a deputy sheriff. None of that was true.

When asked to comment about the inaccuracies between your report and the witness statements and video, you said that you had no intent to be dishonest or

deceptive. You offered no other plausible explanation, however. You said that at the time, "it was chaotic, there's a lot of things going on." That does not explain how you made misrepresentations in your report, which you did not write in the chaos at the scene. You had time and opportunity to review the recording, to review statements you took from witnesses, and to review your own recollections. You then purposefully and consciously made false and misleading statements in your report.

LEVEL OF DISCIPLINE:

Discipline serves three purposes: to modify the offending employee's behavior, to set expectations for other employees, and to assure the public that the Sheriff's Office strives to maintain the public trust by holding our employees accountable. In this particular incident, your conduct was a clear violation of Civil Service Rules and department policies. This is a case that challenges your integrity and character. As peace officers, our reputation for honesty, integrity and sound character are paramount to the position that we hold. Any weakness in these areas is contradictory to our basic job function.

In order to arrive at a fair penalty, your conduct must be considered along with the discredit you have brought to the Sheriff's Office. Peace officers are held to the highest standards of public service. Your employment history with the County has been reviewed. You have been an employee of this organization since January 20, 2002. You have been suspended on two separate previous occasions, as described above, for conduct which called into question your integrity and good judgment.

The current allegation by itself is serious enough on its own, but coupled with your prior discipline history; your law enforcement career may be irreparably compromised. Therefore, the Sheriff intends to terminate you from County employment. The charges of incompetence, inexcusable neglect of duty, negligence, and violation of departmental policies are sufficient in and of themselves, when viewed in the context of your personnel history, to justify discharge from your sworn position. The decision to terminate has been made on those grounds alone. Your honesty, however, is certainly in question, and if proven, would simply provide additional justification for termination.

The above charges are based upon the information and materials that have been provided to you and with this Notice of Intent and upon the contents of your personnel file, which you may review at the County Human Resources Department.

If you believe that the intended discipline is not warranted by the circumstances, you have a right, pursuant to *Skelly v. Personnel Board* (1975) 1 Cal. 3d. 194, to respond verbally or in writing, or both, prior to the effective date of the disciplinary action. Sheriff Parkinson will conduct the pre-discipline hearing. If you wish to respond verbally, an appointment has been scheduled for you in his office on October 24, 2014 at 1400 hours, at which time you will have the opportunity to present information which you believe would mitigate or negate the action proposed. You may have a representative present at that meeting. If you wish to submit a written response, it must be received in the Sheriff's

Office no later than 1400 hours on October 24, 2014. Any verbal or written response will be taken into consideration before a final Order is issued.

You are notified that you may appeal through the County Human Resources Director to the Civil Service Commission from a final Order. Said appeal shall be filed within ten (10) business days following service of a final Order of discipline. Attention is called to Civil Service Rules 4 and 14 relating to disciplinary action and rights on appeal, which are attached. You are further notified that you may reply in writing within ten (10) business days from the date a final Order is filed with the Personnel Director. Said answer is optional but shall not be considered an appeal.

Date: _____

10/17/14



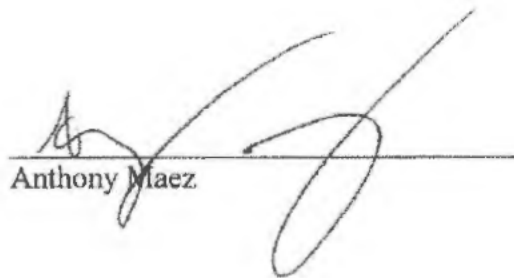
Tim Olivas
Undersheriff

Attachments: Copy of Civil Service Rules 4 and 14
Copy of applicable policy sections
Copy of Personnel Complaint Investigation 14-034 with Addenda
Copy of recorded interviews
Copy of the Complaint Form
Copy of your in-car video

I hereby acknowledge receipt of this Notice of Intent consisting of 7 pages and the listed attachments.

Date: _____

10/17/14



Anthony Maez



San Luis Obispo County Sheriff's Office

1585 Kansas Avenue • San Luis Obispo • California • 93405
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Ian S. Parkinson
Sheriff - Coroner

November 7, 2014

Deputy Anthony Maez

ORDER OF TERMINATION

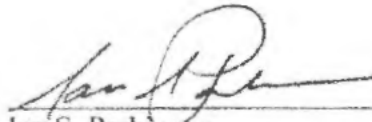
Deputy Maez:

This Order of Termination is issued pursuant to County Code 2.40.120 and Civil Service Rule 14. A Notice of Intent of Termination was served on you on October 17, 2014. On October 30, 2014, you attended your Skelly hearing. I have considered the information presented by you at your Skelly Hearing.

I am affirming my intent to terminate you. I take this action based on my determination that you violated the rules and policies as set forth in the Notice of Intent, which is incorporated herein by this reference.

You are notified that you may appeal this Order through the County Human Resources Director to the Civil Service Commission. Said appeal shall be filed within ten (10) business days from service of this Order. Attention is called to Civil Service Rules 4 and 14 relating to disciplinary action and rights on appeal, copies of which were attached to the Notice of Intent served on October 17, 2014. You are further notified that you may reply in writing through the County Human Resources Director within ten (10) business days from service of this Order. Said reply is optional and shall not be considered an appeal.

11-7-14
Dated

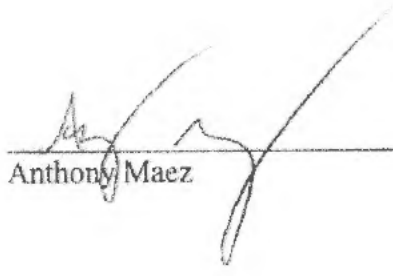

Ian S. Parkinson
Sheriff-Coroner

Order of Termination
Deputy Anthony Maez
Page 2 of 2

I hereby acknowledge receipt of this Order of Termination consisting of 2 pages.

Date:

11/12/14



Anthony Maez